

REMARKS

Following entry of the amendment above, claims 1-15 will be pending, as claims 16-25 are being canceled without prejudice to their future prosecution. All but claims 9, 10, 12 have been amended, primarily to use currently preferred claim structure, consistent terminology, and punctuation throughout the claims. Claim 1 has also been amended to delete reference to “preventing” disease, to change “mammal” to “patient”, and to reflect that the agent binds the sphingolipids and sphingolipid metabolites to reduce their effective concentration. Claims 3 and 8 have each also been amended to replace “the” with “a”. Claim 4 has been further amended to correct the inadvertent omission of “or a sphingolipid metabolite”. Claim 11 has been amended to depend from claim 7, not claim 10.

The amendments made herein add no new matter and are fully supported by the specification and claims as originally filed. Notwithstanding these amendments, Applicant reserves the right to pursue subject matter no longer or not yet claimed in this or a related case.

Applicant respectfully requests reconsideration of the invention as now claimed. In particular, Applicant thanks the Examiner for acknowledging that the claims, before entry of the amendments made herein, are enabling for treating cancer and for treating or preventing angiogenesis and inflammation. In an effort to advance prosecution without acquiescing to positions set forth in the Office action, while reserving his rights Applicant has amended claim 1 in a manner that he respectfully submits obviates the 35 U.S.C. §112, first paragraph, rejections of the claims.

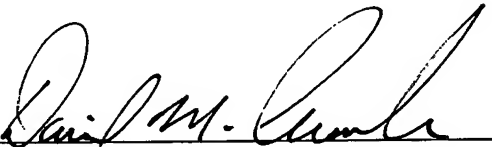
With regard to the 35 U.S.C. §112, second paragraph, rejection, Applicant respectfully disagrees that the claims, particularly claim 1 (the only independent claim that will be pending following entry of the amendment above), omit essential steps. To the contrary, as explained in the specification, effective dosages may vary, depending on a variety of factors, as those in the art will appreciate. Similarly, a variety of different modes or routes of administration can be used, and the particular mode or route selected will depend on a variety of factors, as those in the art will again appreciate. Accordingly, Applicant respectfully submits that the claims satisfy the requirements of 35 U.S.C. §112, second paragraph.

CONCLUSION

Since claims 1-15 as amended herein satisfy the statutory requirements for patentability, Applicant respectfully requests prompt issuance of a Notice of Allowability. Of course, if any issue remains that can be dealt with appropriately without need for an additional formal action and response thereto, the Examiner is encouraged to telephone the undersigned at her earliest convenience at 858.350.9690 so that the same may be expeditiously resolved.

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Respectfully submitted,

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